

REMARKS

Applicant wishes to thank the Examiner for the detailed remarks. Applicant understands that the Examiner has withdrawn claims 11-21 and 23-24. Accordingly, claims 22 and 25-27 are pending.

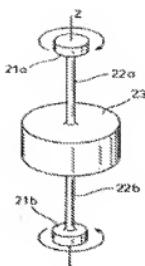
Claims 22 and 25-27 were rejected under 35U.S.C. §102(b) as being anticipated by *Ueda* (JP 61164109). Applicant respectfully traverses this rejection. *Ueda* is in Japanese and the Examiner is apparently relying only upon the abstract as no English translation of the underlying document has been provided. The *Ueda* English abstract is reproduced below:

Abstract of JP61164109

PURPOSE: To highly accurately measure angular velocities with a small-sized constitution, by detecting the angular velocities through the change in characteristic-frequency. **CONSTITUTION:** The intrinsic mode of a vibrator 20 is detected by means of driving electrodes 34a and 34b and detecting electrodes 35a and 35b and the electrodes 35a and 35b and a mass member constitute an electrostatic capacity. A filter 37 extracts the characteristic-frequency of the vibrator 20. When a phase meter 38 determines the phase difference between the vibration of the mass and the output of an AGC circuit 39, the AGC circuit 39 transmits a constant voltage Es. The AC voltage Es of the AGC circuit 39 is supplied to the electrode 34a and the DC voltage of a DC power source 44 is supplied to the electrode 34b. The AC voltage of the AGC circuit 39 is also sent to a phase difference detecting circuit 46 constituting an arithmetic section which calculates the magnitude and direction of angular velocities applied to the vibrator 20. The circuit 46 detects the phase difference between the signal of a reference frequency supplying means 45 and signal of the AGC circuit 39. Then a computer 47 corrects the values, and thus, rotational angles and angular velocities are obtained.

The title of *Ueda* alone, VIBRATION TYPE ANGULAR VELOCITY METER, suggests that *Ueda* is **not** concerned with vibration isolation but only measurement thereof. In fact, the Examiner's assertion that elements 21a and 21b are independently rotatable masses simply cannot be determined by the English abstract as these elements are not even mentioned therein. This alone is fatal to the Examiner's rejection. What's more, The Examiner's reference to Figure 6 is also in no way dispositive as it appears from Figure 6 (reproduced below) that the elements 21a and 21b are affixed to respective shafts 22a and 22b which are affixed to element 23. This is actually a more supportable assertion as *Ueda* discloses a vibrator 20 rather than a rotating system as argued by the Examiner.

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The claims are properly allowable.

It should be further noted that, without a translation of the underlying document, the exceedingly minimal abstract prevents Applicant the opportunity to further refute the Examiner's contention.

An abstract and the underlying document of which it is a summary are distinct documents. In a rejection, an abstract stands on its own--it does not incorporate by reference any disclosure of the underlying document. Abstracts are often not written by the author of the underlying document, and may be erroneous or misleading--in virtually all cases, they are incomplete.

Generally an abstract does not provide enough information to permit an objective evaluation of the validity of what it describes. Thus, an abstract is even less reliable a basis to extrapolate the alleged teachings of the underlying document to different circumstances. Abstracts function to alert a reader to disclosures of possible interest. They are little more reliable than headlines or brief newspaper articles.

Citation of an abstract without citation and reliance on the underlying scientific document itself is generally inappropriate where both the abstract and the underlying document are prior art. It is our opinion that a proper examination under 37 CFR Section 1.104 should be based on the underlying documents and translations, where needed. Accordingly, the preferred practice is for the examiner to cite and rely on the underlying document.

See *Ex parte Gavin*, 62 U.S.P.Q.2D (BNA) 1680

Furthermore see MPEP 706.02.II (in pertinent part):

To determine whether both the abstract and the underlying document are prior art, a copy of the underlying document must be obtained and analyzed. If the document is in a language other than English and the examiner seeks to rely on that document, a translation must be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection. The record must also be clear as to whether the examiner is relying upon the abstract or the full text document to support a rejection.

The exceedingly minimal abstract prevents an objective evaluation of the validity of what it purports to describe. Applicant respectfully requests that the Examiner make clear as to whether the examiner is relying upon the abstract or the full text document to support the rejection as well as obtain a translation to substantiate the rejection or retract the rejection and allow the application.

Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a teleconference will facilitate moving this case forward to being issued, Applicant's representative can be contacted at the number indicated below.

Respectfully Submitted,

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